

## REMARKS

### The Claim Rejections Under 35 USC § 102

All the claims are rejected as allegedly anticipated by US '965.

The Office Action states that the method of forming the product is not germane to the issue of novelty of the product itself, but admits this is not true if applicants present evidence from which the Examiner could reasonably conclude that the claimed product differs in kind from those of the prior art.

However, applicants have already presented such evidence when sending a copy of material from the book "*Principles of Welding*" by Messler with the Reply dated May 10, 2004. The material in said book clearly demonstrates that material bonded by various methods, e.g., by cold deformation and lattice strain, by hot deformation and dynamic recrystallization, or by solid phase diffusion across the original surface versus melting, i.e., forming a liquid provided by melting the parent materials, possesses different types of crystalline structures at the sites of bonding in each case. See bond depicted in figure (e) which was produced by melting, versus figures (a) through (c). Based on such information, it is clear that the claimed products formed by the methods recited in the claims are different from the products of the prior art which was formed by melting a paste into the hole. The method recitation in the claims thus clearly provide basis for the product having a different structural feature/element from the products of US '965. As such, an anticipation rejection is clearly not warranted.

The Office Action also alleges that the claimed process limitations are method limitations which do not "determine the patentability of the product, unless the process produces unexpected results." No citation for such an allegation is provided; not surprisingly,

because there is no requirement in patent law for the showing of unexpected results in an anticipation rejection when a process limitation is present in the claims as in the present case.

In an anticipation rejection all that needs to be shown is that the prior art does not teach "every element and limitation of the claimed invention ... arranged as in the claim." See *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 58 USPQ2d 1286 (Fed. Cir. 2001). Based on the present record, it is clear that every element and limitation of the claimed invention is not met by US '965 because the structure of the claimed products is different from that of the prior art as established by Messler. Nowhere does US '965 teach a

product which would have the structural features of the bonding produced by the claimed methods.

The withdrawal of the rejection over US '965 is respectfully requested.

Applicants also note that all the pending claims were rejected as anticipated despite many of the dependent claims containing features/elements not taught or suggested in US '965.

For example, claims 34 and 58 recite a glass plate and an opening which has a through-going cylindrical or conical opening. See, e.g., fig. 1 of the present claims. The Office Action alleges that US '965 teaches a glass plate and points to the only figure of the reference. No glass plate is shown therein. A cylindrical hole is filled with a cylindrical sealing material.

Also, there is no basis for the rejection of claim 41, which recites that "the brittle-fracture material with at least one opening and the sealing material are made of the same material." In all embodiments of the reference it is clear that the substrate and the sealing material are different. Otherwise, the substrate would melt when firing to melt the sealing material. This is also explicitly taught by US '965 on column 3, lines 17-21, teaching that "the ceramic filler material includes two components, namely a ceramic sealing material having a melting temperature below the melting temperature of the ceramic substrate." Two materials having different melting temperatures are not the same material as required by claim 41.

Moreover, nothing in US '965 teaches holes to a cavity as recited in claims 47 and 62 and their dependent claims 48, 49 and 63, and also no gas or liquid is taught to be present in said cavity, see claims 48 and 63. These features of the claimed invention are not taught or suggested anywhere by US '965.

Regarding claims 53-56, the Office Action indicated that the preamble limitations, e.g., laminated glass system, mirror, and electrochromic glazing are considered an intended use. The claims are amended to recite in the body of the claim structure that must be considered when deciding whether the prior art rejection should be made.

Claim 59 recites a sealing material that has a spherical shape. US '965 does not teach or suggest a sealing material with such a shape. The paste in US '965 melts into the hole and takes the shape of the hole, which is cylindrical. See the figure in US '965.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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